

Appendix A

River Basin Planning Act

(O.C.G.A. 12-5-520 to 525)

92 SB637/AP

Senate Bill 637

By: Senators Johnson of the 47th, Pollard of the 24th, Edge of the 28th and Egan of the 40th.

An Act

To amend Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, so as to define certain terms; to provide for the development of river basin management plans for certain rivers; to provide for the contents of such plans; to provide for the appointment and duties of local advisory committees; to provide for notice and public hearings; to provide for submission to and approval of plans to the Board of Natural Resources; to make certain provisions relative to issuing certain permits; to provide for the application for and use of certain funds; to provide that this Act shall not enlarge the powers of the Department of Natural Resources; to repeal conflicting laws; and for other purposes.

Be It Enacted by the General Assembly of Georgia:

Section 1. Chapter 5 of Title 12 of the Official Code of Georgia Annotated, relating to water resources, is amended by inserting at the end thereof the following:

Article 8

12-5-520. As used in this article, the term:

- (1) "Board" means the Board of Natural Resources.
- (2) "Director" means the director of the Environmental Protection Division of the Department of Natural Resources.

12-5-521. The director shall develop river basin management plans for the following rivers: Alapaha, Altamaha, Canoochee, Chattahoochee, Coosa, Flint, Ochlocknee, Ocmulgee, Oconee, Ogeechee, St. Marys, Satilla, Savannah, Suwanee, Tallapoosa, and Tennessee. The director shall consult the chairmen of the local advisory committees on all aspects of developing the management plans. The director shall begin development of the management plan for the Chattahoochee and Flint river basins by December 31, 1992, and for the Coosa and Oconee river basins by December 31, 1993. Beginning in 1994, the director shall begin development of one management plan per calendar year until all required management plans have been begun. All management plans shall be completed not later than five years after they were begun and shall be made available to the public within 180 days after completion.

- 12-5-522. The management plans provided by Code Section 12-5-521 shall include, but not be limited to, the following:
- (1) A description of the watershed, including the geographic boundaries, historical, current, and projected uses, hydrology, and a description of water quality, including the current water quality conditions;
 - (2) An identification of all governmental units that have jurisdiction over the watershed and its drainage basin;
 - (3) An inventory of land uses within the drainage basin and important tributaries including point and nonpoint sources of pollution;
 - (4) A description of the goals of the management plan, which may include educating the general public on matters involving the environmental and ecological concerns specific to the river basin, improving water quality and reducing pollution at the source, improving aquatic habitat and reestablishing native species of fish, restoring and protecting wildlife habitat, and providing recreational benefits; and
 - (5) A description of the strategies and measures necessary to accomplish the goals of the management plan.
- 12-5-523. As an initial action in the development of a management plan, the director shall appoint local advisory committees for each river basin to consist of at least seven citizens and a chairman appointed by the director. The local advisory committees shall provide advice and counsel to the director during the development of the management plan. Each committee shall meet at the call of the chairman but not less than once every four months. The chairman and members of the local advisory committees shall serve without compensation or reimbursement of expenses.
- 12-5-524.
- (a) Upon completion of the penultimate draft of a management plan, the director shall conduct public hearings within the river basin. At least one public hearing shall be held in each river basin named in Code Section 12-5-521. The director shall publish notice of each such public hearing in a newspaper of general circulation in the area announcing the date, time, place, and purpose of the public hearing. A draft of the management plan shall be made available to the public at least 30 days prior to the public hearing. The director shall receive public comment at the public hearing and for a period of at least ten days after the public hearing.
 - (b) The division shall evaluate the comments received as a result of the public hearings and shall develop the final draft of the management plan for submission to the board for consideration within 60 days of the public hearing.
 - (c) The board shall consider the management plan within 60 days after submission by the director. The department shall publish the management plan adopted by the board and shall make copies available to all interested local governmental officials and citizens within the river basin covered by such management plan.

- (d) Upon the board's adoption of a final river basin management plan, all permitting and other activities conducted by or under the control of the Department of Natural Resources shall be consistent with such plan.
- (e) No provision of this article shall constitute an enlargement of the existing statutory powers of the department.

12-5-525. The director is directed to apply for the maximum amount of available funds pursuant to Sections 106, 314, 319, and 104(b)(2) of Public Law 95-217, the federal Clean Water Act, and any other available source for the development of river basin management plans.”

Section 2. All laws and parts of laws in conflict with this Act are repealed.